

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

**REQUEST FOR MODIFYING THE CONDITIONS OR TERM OF
SUPERVISION WITH THE CONSENT OF THE OFFENDER**
(Probation Form - Waiver of Hearing is Attached)

Offender Name: Michael Homer

Case No.: 11-00574

Name of Sentencing Judicial Officer: The Honorable Timothy R. Rice

Date of Original Sentence: October 31, 2012

Original Offense: Attempted possession of oxycodone (Count One).

Original Sentence: The defendant was sentenced to 7 months custody of the U.S. Bureau of Prisons with a 1 year term of supervised release to follow.

Special Conditions: 1) The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; 2) The defendant shall refrain from illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall participate in drug treatment and abide by the rules of any such program until satisfactorily discharged; 3) The defendant shall provide full disclosure of financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income; 4) Upon release from the U.S. Bureau of Prisons, the defendant shall immediately be placed in a dual diagnosis mental health program for evaluation and/or treatment and abide by the rules of any such program until satisfactorily discharged; 5) The defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with any payment schedule for any fine or restitution obligation. The defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the fine or restitution obligation or otherwise has the express approval of the Court; 6) The defendant was ordered to pay a \$25.00 special assessment due immediately; 7) The defendant was ordered to pay a fine in the amount of \$1,000.00 in monthly installments of \$100.00; and 8) The defendant shall contribute 200 hours of community service work assisting military veterans and/or their families as directed by the probation officer.

Type of Supervision: Supervised Release

Date Supervision Commenced: June 13, 2013

U. S. Attorney's Response: No Objections Objections No Response

PETITIONING THE COURT

The defendant was released from custody on June 13, 2013, and he currently resides in Oxford, Pennsylvania, at 220 North 4th Street, where he lived prior to his incarceration. However, the residence is

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listed for short sale by his bank, and the defendant will immediately be homeless when the residence is sold. The defendant is unemployed and has advised that he is unsure of where he will live when the home is sold. He is in the process of obtaining various forms of identification (social security card, etc.), as most of his belongings were reportedly taken by his ex-girlfriend while he was incarcerated. The defendant currently has no means of transportation, and he has agreed to a modification for placement for 60 days in a halfway house (RRC) to allow him access to drug and mental health treatment as well as community service sites. Assistant United States Attorney Ashley Lunkenhimer advised that she has no objection to the suggested modification. The defendant agrees with our request.

☒ To modify the conditions of supervision as follows: The defendant shall serve 60 days in a Residential Re-entry Center, during which time the defendant shall enroll in drug treatment, mental health treatment, and complete community service with veterans and/or their families as previously ordered by the Court.

*Community service is suspended
until defendant's living
situation is resolved.*

Respectfully submitted,

*S. DeCastro
8/6/13*

Ronald DeCastro, Chief
U.S. Probation Officer

R. DeCastro

Jason W. Fury
U.S. Probation Officer

Approved:

C. D. Donahue, Jr.
Charles D. Donahue, Jr.
Supervising U.S. Probation Officer
Date: *8/6/13*

JWF/am
Attachment

ORDER OF THE COURT

Considered and ordered this
7 day of August
2013 and ordered filed and made part of
the records in the above case.

D. R. B.
U.S. Magistrate Judge

(PAEP 12/09)

**UNITED STATES PROBATION OFFICE
EASTERN DISTRICT OF PENNSYLVANIA**

NOTICE FOR MODIFICATION OF SUPERVISION CONDITIONS

TO: **Michael Homer**
(Name)

Docket No. **11-00574-01**

This is to notify you that the U.S. Probation Office intends to make a formal request to the Court that the conditions of supervision be modified as follows:

The defendant shall enter and remain in a Residential Re-entry Center (RRC) for a period of 60 days. While in the re-entry center the defendant shall participate in substance abuse and mental health (dual diagnosis) counseling. The defendant will also complete community service hours assisting military veterans and/or their families as ordered by the Court.

The reason for this modification and addendum to the conditions of supervision is:

The defendant is ordered to attend dual diagnosis treatment and complete community service hours (assisting veterans and/or their families). The defendant currently resides in Oxford, Pennsylvania, and cannot obtain a valid driver's license due to convictions for driving under the influence, and therefore remains unemployed and cannot travel to the necessary locations for treatment and/or community service. Additionally, the defendant's housing situation is unstable, as his home is currently listed for short sale by the bank and is being shown to potential buyers. The residence does not have running water or electricity, and the defendant has no friends, family, etc., with whom he could reside once the home in Oxford is sold.

You have the right to a hearing before the Court on the modification of the conditions of supervision, and the right to be represented by counsel at such hearing. You also have the right to waive such a hearing. You are asked to acknowledge receipt of this notice by signing the applicable portion of this form.

If you desire a hearing, simply sign the ACKNOWLEDGMENT AND REQUEST FOR HEARING portion of the form. You will be notified of the time, date, and location of the hearing.

If you wish to waive a hearing, sign the ACKNOWLEDGMENT AND WAIVER portion of the form.

ACKNOWLEDGMENT AND REQUEST FOR HEARING

I, Michael Homer, acknowledge receipt of the Notice for Modification of Supervision Conditions, and request a hearing.

Signature _____

Witness _____
U.S. Probation Office

Date: _____

ACKNOWLEDGMENT AND WAIVER OF HEARING

I, Michael Homer, acknowledge receipt of this Notice for Modification of Supervision Conditions. I have read and understand this Notice, that I have the right to a hearing before the Court, and the right to have legal representation at the hearing. However, I hereby waive my right to a hearing and agree to the proposed modification of the conditions of supervision. I also certify that no promises have been made in order to influence me to give up my right to a hearing, nor have any threats been directed at me if I had elected to proceed with a hearing.

Signature Mike Homer

Witness _____

U.S. Probation Office

Date: 8/2/13